



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 21, 2012

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House File 2442

H-8313

- 1 Amend House File 2442 as follows:
- 2 1. Page 13, after line 20 by inserting:
- 3 <Sec. _____. Section 483A.24, Code Supplement 2011,
- 4 is amended by adding the following new subsection:
- 5 NEW SUBSECTION. 7A. A resident of the state under
- 6 sixteen years of age is not required to have a fur
- 7 harvester license to accompany the minor's parent or
- 8 guardian, or any other competent adult with the consent
- 9 of the minor's parent or guardian, while the parent or
- 10 guardian or other adult is hunting raccoons so long as
- 11 the minor is not hunting and does not carry or use a
- 12 firearm or any other weapon.>
- 13 2. Title page, line 1, after <hunting> by inserting
- 14 <, fur harvester,>
- 15 3. By renumbering as necessary.

RAYHONS of Hancock



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House File 2440

H-8314

- 1 Amend House File 2440 as follows:
- 2 1. Page 1, line 1, after <Code> by inserting
- 3 <Supplement>

HELLAND of Polk



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Senate File 2293

H-8315

1 Amend Senate File 2293, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 103A.71 Residential
5 contractors.
6 1. As used in this section:
7 a. "*Catastrophe*" means a natural occurrence
8 including but not limited to fire, earthquake, tornado,
9 windstorm, flood, or hail storm, which damages or
10 destroys residential real estate.
11 b. "*Residential contractor*" means a person in
12 the business of contracting to repair or replace
13 residential roof systems or perform any other
14 exterior repair, exterior replacement, or exterior
15 reconstruction work resulting from a catastrophe
16 on residential real estate or a person offering to
17 contract with an owner or possessor of residential real
18 estate to carry out such work.
19 c. "*Residential real estate*" means a new or existing
20 building, including a detached garage, constructed for
21 habitation by one to four families.
22 d. "*Roof system*" includes roof coverings, roof
23 sheathing, roof weatherproofing, and roof insulation.
24 2. A residential contractor shall not advertise
25 or promise to rebate any insurance deductible or
26 any portion thereof as an inducement to the sale of
27 goods or services. A promise to rebate any insurance
28 deductible includes granting any allowance or offering
29 any discount against the fees to be charged or paying
30 a person directly or indirectly associated with the
31 residential real estate any form of compensation,
32 except for items of nominal value. A residential
33 contractor may display a sign or any other type of
34 advertisement on a person's premises provided the
35 person consents to the display and the person receives
36 no compensation from the residential contractor for the
37 placement of the sign or advertising.
38 3. A residential contractor shall not represent
39 or negotiate on behalf of, or offer or advertise
40 to represent or negotiate on behalf of, an owner or
41 possessor of residential real estate on any insurance
42 claim in connection with the repair or replacement
43 of roof systems, or the performance of any other
44 exterior repair, exterior replacement, or exterior
45 reconstruction work on the residential real estate.
46 4. a. A residential contractor contracting to
47 provide goods or services to repair damage resulting
48 from a catastrophe shall provide the person with whom
49 it is contracting a fully completed duplicate notice in
50 at least ten-point bold type which shall contain the

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1 following statement:

2 NOTICE OF BINDING CONTRACT

3 You are entering into a legally binding contract
4 with (insert name of residential contractor) to provide
5 goods and services to repair damage resulting from
6 a naturally occurring catastrophe including but not
7 limited to a fire, earthquake, tornado, windstorm,
8 flood, or hail storm. Except as described in the next
9 sentence, you are responsible for payment to (insert
10 name of residential contractor) for the cost of all
11 goods and services provided whether or not you receive
12 payment from any property and casualty insurance
13 policy with respect to the damage. Your contract
14 with (insert name of residential contractor) is void
15 and you have no responsibility for payment under the
16 contract if (insert name of residential contractor)
17 either advertises or promises to rebate all or any
18 portion of your insurance deductible, or represents or
19 negotiates, or offers to represent or negotiate, on
20 your behalf with your property and casualty insurance
21 company on any insurance claim relating to the damage
22 you have contracted to have repaired. Your signature
23 below acknowledges your understanding of these legal
24 obligations and rights.

25 _____
26 Date

27 _____
28 Signature

29 b. The notice shall be executed by the person with
30 whom the residential contractor is contracting prior to
31 or contemporaneously with entering into the contract.

32 5. A contract entered into with a residential
33 contractor is void if the residential contractor
34 violates subsection 2, 3, or 4.

35 6. A residential contractor violating this section
36 is subject to the penalties and remedies prescribed by
37 this chapter.

38 7. This section shall not be construed to alter
39 or affect the rights and duties prescribed in chapter
40 555A.>

41 2. Page 21, after line 18 by inserting:

42 <Sec. _____. APPLICABILITY. The section of this Act
43 enacting section 103A.71 applies to contracts entered
44 into on or after July 1, 2012.>

45 3. Title page, line 3, after <date> by inserting
46 <and applicability>

47 4. By renumbering as necessary.

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BALTIMORE of Boone



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Senate File 430

H-8316

- 1 Amend Senate File 430, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 7, line 32, through page 8,
- 4 line 1.
- 5 2. Title page, line 3, by striking <fee and>
- 6 3. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
SANDS of Louisa, Chairperson



Iowa General Assembly
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House File 2442

H-8317

- 1 Amend House File 2442 as follows:
- 2 1. Page 5, by striking lines 13 and 14.
- 3 2. Page 13, after line 20 by inserting:
- 4 <Sec. _____. Section 483A.24, Code Supplement 2011,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 7A. A resident of the state under
- 7 sixteen years of age is not required to have a fur
- 8 harvester license to accompany the minor's parent or
- 9 guardian, or any other competent adult with the consent
- 10 of the minor's parent or guardian, while the parent or
- 11 guardian or other adult is hunting raccoons so long as
- 12 the minor is not hunting and does not carry or use a
- 13 firearm or any other weapon.>
- 14 3. Title page, line 1, after <hunting> by inserting
- 15 <, fur harvester,>
- 16 4. By renumbering as necessary.

RAYHONS of Hancock



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Senate Amendment to
House File 2338

H-8318

- 1 Amend House File 2338, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 22, by striking <154,111,822> and
- 4 inserting <159,811,822>
- 5 2. Page 1, line 29, by striking <2,300,000> and
- 6 inserting <3,100,000>

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House File 2442

H-8319

- 1 Amend House File 2442 as follows:
2 1. Page 5, line 12, by striking <license, annual>
3 and inserting <license>
4 2. Page 5, by striking lines 13 and 14.
5 3. Page 13, after line 20 by inserting:
6 <Sec. _____. Section 483A.24, Code Supplement 2011,
7 is amended by adding the following new subsection:
8 NEW SUBSECTION. 7A. A resident of the state under
9 sixteen years of age is not required to have a fur
10 harvester license to accompany the minor's parent or
11 guardian, or any other competent adult with the consent
12 of the minor's parent or guardian, while the parent or
13 guardian or other adult is hunting raccoons so long as
14 the minor is not hunting and does not carry or use a
15 firearm or any other weapon.>
16 4. Title page, line 1, after <hunting> by inserting
17 <, fur harvester,>
18 5. By renumbering as necessary.

RAYHONS of Hancock



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Senate File 2317

H-8320

- 1 Amend Senate File 2317, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 12, by striking <license> and
- 4 inserting <license, annual>
- 5 2. Page 5, after line 12 by inserting:
- 6 <Op. Fur dealer license, one day,
- 7 one location\$250.00
- 8 3. Title page, line 1, after <hunting,> by
- 9 inserting <fur dealer,>
- 10 4. By renumbering as necessary.

RAYHONS of Hancock

LYKAM of Scott



Iowa General Assembly
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House File 2446 - Introduced

HOUSE FILE 2446
BY ISENHART

A BILL FOR

1 An Act relating to the research activities credit for the
2 individual and corporate income tax by making the credit
3 subject to award by the department of revenue, limiting the
4 amount that may be awarded, and including applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. 2446

1 Section 1. Section 422.10, Code Supplement 2011, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 4A. a. To receive the research
4 activities credit under this section, a taxpayer must
5 submit an application in the form and manner prescribed
6 by the department. If the taxpayer meets the criteria for
7 eligibility, the department shall issue to the taxpayer a
8 tax certificate for the research activities credit. The
9 certificate shall contain the taxpayer's name, address, tax
10 identification number, the amount of the credit, the tax year
11 for which the certificate applies, and an expiration date for
12 the certificate. The tax certificates are nontransferable.
13 The taxpayer must file the tax certificate with the taxpayer's
14 income tax return in order to claim the tax credit. The
15 department shall not issue for any one fiscal year an aggregate
16 amount of tax credits in excess of the following amounts:
17 (1) For the fiscal year beginning on July 1, 2013, two
18 million four hundred sixteen thousand one hundred seventy-seven
19 dollars.
20 (2) For the fiscal year beginning on July 1, 2014, two
21 million three hundred forty-three thousand six hundred
22 ninety-two dollars.
23 (3) For the fiscal year beginning on July 1, 2015, two
24 million two hundred seventy-one thousand two hundred seven
25 dollars.
26 (4) For the fiscal year beginning on July 1, 2016, two
27 million one hundred ninety-eight thousand seven hundred
28 twenty-two dollars.
29 (5) For the fiscal year beginning on July 1, 2017,
30 two million one hundred twenty-six thousand two hundred
31 thirty-seven dollars.
32 (6) For the fiscal year beginning on July 1, 2018, and for
33 each fiscal year thereafter, two million fifty-three thousand
34 seven hundred fifty-two dollars.
35 b. If the total tax credits claimed under this section

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1 in any fiscal year exceeds the applicable amount in this
2 subsection, the department shall reduce in a prorated fashion
3 all credit claims which exceed the median claim until the
4 total tax credit claims equal the applicable amount in this
5 subsection or until no taxpayer has a claim that exceeds the
6 median claim, whichever occurs first. After that reduction, if
7 the total tax credit claims still exceed the applicable amount
8 in this subsection, the department shall reduce in a prorated
9 fashion all credit claims until the total tax credit claims
10 equal the applicable amount in this subsection. For purposes
11 of this paragraph "b", the prorated reduction amount on a claim
12 shall be in the same proportion that the amount of the claim
13 bears to the total amount of claims being reduced.

14 c. The department shall adopt rules pursuant to chapter 17A
15 to administer this subsection.

16 Sec. 2. Section 422.10, subsection 6, Code Supplement 2011,
17 is amended to read as follows:

18 6. The department shall by February 15 of each year issue
19 an annual report to the general assembly containing the total
20 amount of all claims made by employers and allowed by the
21 department under this section and the portion of the claims
22 issued as refunds, for all claims processed during the previous
23 calendar year. The report shall contain the name of each
24 claimant for whom a tax credit in excess of five hundred
25 thousand dollars was issued and the amount of the credit
26 received.

27 Sec. 3. Section 422.33, subsection 5, Code Supplement 2011,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. *0e.* (1) To receive the research
30 activities credit under this subsection, a taxpayer must
31 submit an application in the form and manner prescribed
32 by the department. If the taxpayer meets the criteria for
33 eligibility, the department shall issue to the taxpayer a
34 tax certificate for the research activities credit. The
35 certificate shall contain the taxpayer's name, address, tax

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1 identification number, the amount of the credit, the tax year
2 for which the certificate applies, and an expiration date for
3 the certificate. The tax certificates are nontransferable.
4 The taxpayer must file the tax certificate with the taxpayer's
5 income tax return in order to claim the tax credit. The
6 department shall not issue for any one fiscal year an aggregate
7 amount of tax credits in excess of the following amounts:

8 (a) For the fiscal year beginning on July 1, 2013, thirty
9 million one hundred twenty-five thousand one hundred sixty-six
10 dollars.

11 (b) For the fiscal year beginning on July 1, 2014,
12 twenty-nine million two hundred twenty-one thousand four
13 hundred eleven dollars.

14 (c) For the fiscal year beginning on July 1, 2015,
15 twenty-eight million three hundred seventeen thousand six
16 hundred fifty-six dollars.

17 (d) For the fiscal year beginning on July 1, 2016,
18 twenty-seven million four hundred thirteen thousand nine
19 hundred one dollars.

20 (e) For the fiscal year beginning on July 1, 2017,
21 twenty-six million five hundred ten thousand one hundred
22 forty-six dollars.

23 (f) For the fiscal year beginning on July 1, 2018, and for
24 each fiscal year thereafter, twenty-five million six hundred
25 six thousand three hundred ninety-one dollars.

26 (2) If the total tax credits claimed under this paragraph in
27 any fiscal year exceed the applicable amount in this paragraph,
28 the department shall reduce in a prorated fashion all credit
29 claims which exceed the median claim until the total tax
30 credit claims equal the applicable amount in this paragraph or
31 until no taxpayer has a claim that exceeds the median claim,
32 whichever occurs first. After that reduction, if the total
33 tax credit claims still exceed the applicable amount in this
34 paragraph, the department shall reduce in a prorated fashion
35 all credit claims until the total tax credit claims equal the

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1 applicable amount in this paragraph. For purposes of this
2 subparagraph (2), the prorated reduction amount on a claim
3 shall be in the same proportion that the amount of the claim
4 bears to the total amount of claims being reduced.

5 (3) The department shall adopt rules pursuant to chapter 17A
6 to administer this paragraph.

7 Sec. 4. Section 422.33, subsection 5, paragraph h, Code
8 Supplement 2011, is amended to read as follows:

9 h. The department shall by February 15 of each year issue
10 an annual report to the general assembly containing the
11 total amount of all claims made by employers and allowed by
12 the department under this subsection and the portion of the
13 claims issued as refunds, for all claims processed during the
14 previous calendar year. The report shall contain the name of
15 each claimant for whom a tax credit in excess of five hundred
16 thousand dollars was issued and the amount of the credit
17 received.

18 Sec. 5. APPLICABILITY. This Act applies to tax years
19 beginning on or after January 1, 2013.

20 EXPLANATION

21 This bill relates to the research activities credit for the
22 individual and corporate income tax. Under current law, the
23 credit is an automatic credit and not capped at any certain
24 amount. The bill amends the credit to make it subject to award
25 by the department of revenue and limited to a certain aggregate
26 total each fiscal year. To receive a research activities
27 credit, a taxpayer must now submit an application to the
28 department of revenue, receive a tax certificate, and file the
29 certificate with the taxpayer's income tax return.

30 The department is not allowed to issue for any one fiscal
31 year an aggregate amount of tax credits that exceed a certain
32 amount. For the fiscal year beginning on July 1, 2013, the
33 credits are capped at the total credit claims made in the 2009
34 tax year, then reduced a total of 15 percent over the next five
35 fiscal years.



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- 1 For the individual tax credit the amount of the cap is:
- 2 1. \$2,416,177 for fiscal year 2013-2014.
- 3 2. \$2,343,692 for fiscal year 2014-2015.
- 4 3. \$2,271,207 for fiscal year 2015-2016.
- 5 4. \$2,198,722 for fiscal year 2016-2017.
- 6 5. \$2,126,237 for fiscal year 2017-2018.
- 7 6. \$2,053,752 for fiscal year 2018-2019, and for each fiscal
- 8 year thereafter.
- 9 For the corporate tax credit the amount of the cap is:
- 10 1. \$30,125,166 for fiscal year 2013-2014.
- 11 2. \$29,221,411 for fiscal year 2014-2015.
- 12 3. \$28,317,656 for fiscal year 2015-2016.
- 13 4. \$27,413,901 for fiscal year 2016-2017.
- 14 5. \$26,510,146 for fiscal year 2017-2018.
- 15 6. \$25,606,391 for fiscal year 2018-2019, and for each
- 16 fiscal year thereafter.
- 17 If the total tax credit claims for a fiscal year exceed
- 18 the applicable cap, the department shall reduce in a prorated
- 19 fashion all credit claims which exceed the median claim until
- 20 the total credit claims equal the applicable cap, or until no
- 21 taxpayer has a claim that exceeds the median claim, whichever
- 22 occurs first. After that reduction, if the total tax credit
- 23 claims still exceed the applicable cap, the department shall
- 24 reduce in a prorated fashion all credit claims until the total
- 25 credit claims equal the applicable cap.
- 26 The bill applies to tax years beginning on or after January
- 27 1, 2013.



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House File 2447 - Introduced

HOUSE FILE 2447
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 635)
(SUCCESSOR TO HF 335)

A BILL FOR

1 An Act providing specified tax credits for the construction
2 and installation of geothermal heat pumps, and including
3 effective date and retroactive and other applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2648HZ (2) 84
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H.F. 2447

1 Section 1. NEW SECTION. 422.11I Geothermal heat pump tax
2 credit.

3 The taxes imposed under this division, less the credits
4 allowed under section 422.12, shall be reduced by a geothermal
5 heat pump tax credit equal to twenty percent of the federal
6 residential energy efficient property tax credit allowed for
7 geothermal heat pumps provided in section 25(D)(a)(5) of the
8 Internal Revenue Code for residential property located in Iowa.
9 Any credit in excess of the tax liability is not refundable
10 but the excess for the tax year may be credited to the tax
11 liability for the following ten years or until depleted,
12 whichever is earlier. The director of revenue shall adopt
13 rules to implement this section.

14 Sec. 2. Section 427.1, Code Supplement 2011, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 38. *Geothermal heating and cooling system.*

17 a. The value added by any new or refitted construction or
18 installation of a geothermal heating or cooling system on or
19 after July 1, 2012, on property classified as residential.
20 The exemption shall be allowed for ten consecutive years.
21 The exemption shall apply to any value added by the addition
22 of mechanical, electrical, plumbing, ductwork, or other
23 equipment, labor, and expenses included in or required for the
24 construction or installation of the geothermal system, as well
25 as the proportionate value of any well field associated with
26 the system and attributable to the owner.

27 b. A person claiming an exemption under this subsection
28 shall obtain the appropriate forms from the assessor. The
29 forms shall be prescribed by the director of revenue. The
30 claim shall be filed no later than February 1 of the first
31 assessment year the exemption is requested and shall contain
32 information pertaining to all costs and other information
33 associated with construction and installation of the system.
34 Once the exemption is allowed, the exemption shall continue to
35 be allowed for ten consecutive years without further filing as

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1 long as the property continues to be classified as residential
2 property.

3 c. The director shall adopt rules to implement this
4 subsection.

5 Sec. 3. IMPLEMENTATION. Section 25B.7 does not apply to the
6 property tax exemption enacted in this Act.

7 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
8 immediate importance, takes effect upon enactment.

9 Sec. 5. RETROACTIVE APPLICABILITY. The following provision
10 or provisions of this Act apply retroactively to January 1,
11 2012, for tax years beginning on or after that date:

12 1. The section of this Act enacting section 422.11I.

13 Sec. 6. APPLICABILITY. The following provision or
14 provisions of this Act apply to assessment years beginning on
15 or after January 1, 2013:

16 1. The section of this Act enacting section 427.1,
17 subsection 38.

18 EXPLANATION

19 This bill provides an income tax credit and property tax
20 exemption for the construction or installation of a geothermal
21 heating or cooling system in connection with residential
22 property located in Iowa.

23 The bill provides for an income tax credit for such
24 installations equal to twenty percent of the federal
25 residential energy efficiency property income tax credit
26 allowed for geothermal heat pumps. The bill states that any
27 credit in excess of tax liability is not refundable but may be
28 credited to the tax liability for the following 10 years or
29 until depleted, whichever is earlier.

30 The bill additionally provides for a property tax exemption
31 equal to the value added by any new or refitted construction
32 or installation of a geothermal heating or cooling system on
33 or after July 1, 2012. The bill states that the exemption
34 shall be allowed for 10 consecutive years, and shall apply to
35 any value added by the addition of mechanical, electrical,

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1 plumbing, ductwork, or other equipment, labor, and expenses
2 included in or required for the construction or installation
3 of the system, as well as the proportionate value of any well
4 field associated with the system and attributable to the owner.
5 The bill specifies procedures regarding claiming the exemption.
6 The bill provides for the adoption of rules by the director
7 of the department of revenue, and states that Code section
8 25B.7, regarding full state funding of property tax credits or
9 exemptions, shall not be applicable to the geothermal heating
10 and cooling system property tax exemption.
11 The bill takes effect upon enactment. Provisions in the
12 bill enacting the income tax credit for geothermal heat pumps
13 apply retroactively to January 1, 2012, for tax years beginning
14 on or after that date. Provisions enacting the property tax
15 exemption for geothermal heating and cooling systems apply to
16 assessment years beginning on or after January 1, 2013.



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House File 2448 - Introduced

HOUSE FILE 2448
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2164)

A BILL FOR

1 An Act providing a sales tax exemption for the sale of tangible
2 personal property or services to substance abuse treatment
3 or prevention programs that receive block grant funding from
4 the Iowa department of public health.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2448

1 Section 1. Section 423.3, subsection 18, Code Supplement
2 2011, is amended by adding the following new paragraph:
3 NEW PARAGRAPH. *g.* Substance abuse treatment or prevention
4 programs that receive block grant funding from the Iowa
5 department of public health.

6 EXPLANATION

7 This bill provides a sales tax exemption for the sales
8 price of tangible personal property and services sold to a
9 nonprofit corporation that is a substance abuse treatment or
10 prevention program that receives block grant funding from the
11 Iowa department of public health.

12 By operation of Code section 423.6, an item exempt from the
13 imposition of the sales tax is also exempt from the use tax
14 imposed in Code section 423.5.



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House Resolution 131 - Introduced

HOUSE RESOLUTION NO. 131

BY M. SMITH

1 A Resolution amending the House Code of Ethics relating
2 to the basis of an ethics complaint.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
4 Rule 12, paragraph a, of the House Code of Ethics, as
5 adopted by the House of Representatives during the 2011
6 session in House Resolution 7, is amended to read as
7 follows:

8 a. Filing of complaint. Complaints may be filed
9 by any person believing that a member or employee of
10 the house, a lobbyist, or a client of a lobbyist ~~is~~
11 ~~guilty of a violation~~ has violated a provision of the
12 house code of ethics, the house joint rules governing
13 lobbyists, or chapter 68B of the Code, or has committed
14 a crime of moral turpitude.

15 BE IT FURTHER RESOLVED, That Rule 12, paragraph
16 c, subparagraph (1), of the House Code of Ethics, as
17 adopted by the House of Representatives during the 2011
18 session in House Resolution 7, is amended to read as
19 follows:

20 (1) Facts, that if true, establish a violation of
21 a provision of chapter 68B of the Code, the house code
22 of ethics, or ~~house joint~~ house joint rules governing lobbyists for
23 which penalties or other remedies are provided or the
24 commission of a crime of moral turpitude.

25 BE IT FURTHER RESOLVED, That Rule 12, paragraph f,
26 unnumbered paragraph 1, of the House Code of Ethics, as
27 adopted by the House of Representatives during the 2011
28 session in House Resolution 7, and amended by the House



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1 of Representatives during the 2012 session in House
2 Resolution 110, is amended to read as follows:
3 The committee chairperson and the ranking
4 member shall review the complaint and supporting
5 information to determine whether the complaint meets
6 the requirements as to form. If the complaint is
7 deficient as to form, the complaint shall be returned
8 to the complainant with instructions indicating
9 the deficiency. If the complaint is in writing, is
10 sufficient as to form, and contains the appropriate
11 certification, as soon as practicable, the chairperson
12 shall call a meeting of the committee to review the
13 complaint to determine whether the complaint meets the
14 requirements for validity and whether the committee
15 should take action on the complaint pursuant to
16 paragraph "g" or whether the committee should request
17 that the chief justice of the supreme court appoint an
18 independent special counsel to conduct an investigation
19 to determine whether probable cause exists to believe
20 that a violation of the house code of ethics, ~~house~~
21 joint rules governing lobbyists, or chapter 68B of the
22 Code, or the commission of a crime of moral turpitude
23 has occurred. The sufficiency as to form determination
24 and the valid complaint requirements determination
25 shall be based solely upon the original complaint and
26 the response to the complaint. Additional documents
27 or responses shall not be filed by the parties or
28 otherwise considered by the committee prior to a
29 validity determination. The committee shall not
30 receive or consider oral testimony in support of or

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tm/rj

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1 against a validity determination.

2 BE IT FURTHER RESOLVED, That Rule 12, paragraph h,
3 of the House Code of Ethics, as adopted by the House
4 of Representatives during the 2011 session in House
5 Resolution 7, is amended to read as follows:

6 h. Request for appointment of independent special
7 counsel. If, after review of the complaint and any
8 response made by the party alleged to have committed
9 the violation, the committee determines that the
10 complaint meets the requirements for form and content
11 and the committee has not taken action under paragraph
12 "g", the committee shall request that the chief justice
13 of the supreme court appoint independent special
14 counsel to investigate the matter and determine whether
15 probable cause exists to believe that a violation of
16 chapter 68B of the Code, the house code of ethics,
17 or the ~~house~~ joint rules governing lobbyists or the
18 commission of a crime of moral turpitude has occurred.

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tm/rj

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House Study Bill 666 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to electronic payment transactions by
2 prohibiting the collection of interchange fees on specified
3 taxes and fees, providing penalties, and including
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/sc



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1 Section 1. NEW SECTION. **424A.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Electronic payment transaction*" means a transaction
5 in which a person uses a debit card, credit card, or other
6 payment code or device, issued or approved through a payment
7 card network to debit an asset account or use a line of
8 credit, whether authorization is based on signature, personal
9 identification number, or other means.

10 2. "*Interchange fee*" means any fee established, charged,
11 or received by a payment card network for the purpose of
12 compensating the issuer for its involvement in an electronic
13 payment transaction.

14 3. "*Issuer*" means any person who issues a debit card or
15 credit card, or the issuer's agent.

16 4. "*Payment card network*" means an entity that directly,
17 or through licensed members, processors, or agents, provides
18 the proprietary services, infrastructure, and software that
19 route information and data to conduct debit card or credit
20 card transaction authorization, clearance, and settlement, and
21 that a merchant or seller uses in order to accept as a form of
22 payment a brand of debit card, credit card, or other device
23 that may be used to carry out debit or credit transactions.

24 5. "*Settlement*" means the transfer of funds from a
25 customer's account to a seller or merchant upon electronic
26 submission of finalized sales transactions to the payment card
27 network.

28 Sec. 2. NEW SECTION. **424A.2 Interchange fees — limitation.**

29 The amount of any tax or fee imposed by state or local
30 government that is calculated as a percentage of an electronic
31 payment transaction amount and listed separately on the payment
32 invoice or other demand for payment, or the amount of any
33 fuel taxes imposed under chapter 452A, shall be excluded from
34 the amount of an interchange fee charged for that electronic
35 payment transaction.

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1 Sec. 3. NEW SECTION. **424A.3 Circumvention prohibited.**

2 It shall be unlawful to alter or manipulate the computation
3 and imposition of interchange fees by increasing the rate or
4 amount of fee applicable to or imposed upon that portion of an
5 electronic payment transaction not attributable to a state or
6 local tax or fee to circumvent the effect of section 424A.2.

7 Sec. 4. NEW SECTION. **424A.4 Deduction or rebate —**
8 **settlement procedure.**

9 A payment card network shall either deduct the amount of
10 any tax or fee imposed as described in section 424A.2 from the
11 calculation of interchange fees specific to each form or type
12 of electronic payment transaction at the time of settlement
13 or shall rebate an amount of interchange fee proportionate
14 to the amount attributable to the tax or fee. The deduction
15 or rebate shall occur at the time of settlement when the
16 merchant or seller is able to capture and transmit tax or fee
17 amounts relevant to the sale at the time of sale as part of the
18 transaction finalization. If the merchant or seller is unable
19 to capture and transmit tax or fee amounts relevant to the sale
20 at the time of sale, the payment card network shall accept
21 proof of tax or fee amounts collected on sales subject to an
22 interchange fee upon the submission of sales data by the seller
23 or merchant and shall promptly credit the merchant or seller's
24 settlement account.

25 Sec. 5. NEW SECTION. **424A.5 Enforcement — penalty.**

26 1. The provisions of this chapter are subject to the powers
27 and authority of the attorney general or the attorney general's
28 designee.

29 2. If a court finds in an action brought by the attorney
30 general, or the attorney general's designee, that a person
31 has intentionally violated a provision of this chapter, the
32 person shall be subject to a civil penalty of not less than
33 one thousand dollars nor more than five thousand dollars for
34 each violation. In addition, a person paying interchange fees
35 imposed in violation of this chapter may bring an action at law

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1 to recover actual damages. The court may order such equitable
2 relief as it deems necessary, including temporary and permanent
3 injunctive relief.

4 Sec. 6. NEW SECTION. **424A.6 Nonseverability.**

5 In the event that any provision of this chapter or its
6 application is held to be invalid with regard to a federally
7 chartered bank or other financial institution, it shall be
8 held equally invalid with regard to a financial institution
9 licensed by or operating within this state, and to this end the
10 provisions of this chapter are not severable.

11 Sec. 7. NEW SECTION. **537C.1 Interchange fees —**
12 **computation.**

13 The computation of an interchange fee established, charged,
14 or received by a payment card network for the purpose of
15 compensating the issuer for its involvement in an electronic
16 payment transaction, as those terms are defined in section
17 424A.1, shall be governed by the provisions of chapter 424A.
18 Sec. 8. **APPLICABILITY.** This Act is applicable to electronic
19 payment transactions processed on or after July 1, 2012.

20 **EXPLANATION**

21 This bill prohibits the imposition of interchange fees on
22 specified portions of electronic payment transactions.

23 The bill contains several definitions. The bill defines an
24 "electronic payment transaction" to mean a transaction in which
25 a person uses a debit card, credit card, or other payment code
26 or device, issued or approved through a payment card network
27 to debit an asset account or use a line of credit, whether
28 authorization is based on signature, personal identification
29 number, or other means. The bill defines an "interchange fee"
30 to mean any fee established, charged, or received by a payment
31 card network for the purpose of compensating the issuer for
32 its involvement in an electronic payment transaction. The
33 bill defines an "issuer" to mean any person who issues a debit
34 card, credit card, or the issuer's agent. The bill defines
35 "payment card network" to mean an entity that directly, or

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1 through licensed members, processors, or agents, provides
2 the proprietary services, infrastructure, and software that
3 route information and data to conduct debit card or credit
4 card transaction authorization, clearance, and settlement, and
5 that a merchant or seller uses in order to accept as a form of
6 payment a brand of debit card, credit card, or other device
7 that may be used to carry out debit or credit transactions.
8 The bill defines "settlement" to mean the transfer of funds
9 from a customer's account to a seller or merchant upon
10 electronic submission of finalized sales transactions to the
11 payment card network.

12 The bill provides that the amount of any tax or fee imposed
13 by state or local government that is calculated as a percentage
14 of the payment amount and listed separately on the payment
15 invoice or other demand for payment, or the amount of any
16 state fuel taxes imposed, shall be excluded from the amount
17 of an interchange fee charged for the purpose of completing
18 an electronic payment transaction. The bill provides that it
19 shall be unlawful to alter or manipulate these provisions by
20 increasing the rate or amount of fee applicable to or imposed
21 upon that portion of an electronic payment transaction not
22 attributable to a state or local tax or fee.

23 The bill's provisions are subject to the powers and
24 authority of the attorney general or the attorney general's
25 designee. The bill provides for a civil penalty if a person
26 has intentionally violated the bill's provisions of not
27 less than \$1,000 nor more than \$5,000 for each violation.
28 Additionally, the bill provides that a person paying
29 interchange fees imposed in violation of this chapter may
30 bring an action at law to recover actual damages, and that the
31 court may order such equitable relief as it deems necessary,
32 including temporary and permanent injunctive relief.

33 The bill specifies procedures for exclusion of taxes or fees
34 from the computation of interchange fees. The bill provides
35 that a payment card network shall either deduct the amount

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1 of any tax or fee from the calculation of interchange fees
2 specific to each form or type of electronic payment transaction
3 at the time of settlement, or rebate an amount of interchange
4 fee proportionate to the amount attributable to the tax or fee.
5 The bill provides that the deduction or rebate shall occur at
6 the time of settlement when the merchant or seller is able to
7 capture and transmit tax or fee amounts relevant to the sale
8 at the time of sale as part of the transaction finalization.
9 In the event that the merchant or seller is unable to capture
10 and transmit tax or fee amounts relevant to the sale at the
11 time of sale, such as when the tax or fee is collected at the
12 wholesale level or when a credit or debit card terminal is
13 incapable of capturing and transmitting tax or fee amounts,
14 the bill provides that the payment card network shall accept
15 proof of tax or fee amounts collected on sales subject to
16 an interchange fee upon the submission of sales data by the
17 seller or merchant and promptly credit the merchant or seller's
18 settlement account.

19 The bill provides that in the event that any provision
20 contained in the bill or its application is held to be invalid
21 with regard to a federally chartered bank or other financial
22 institution, it shall be held equally invalid with regard to a
23 financial institution licensed by or operating within Iowa.

24 The bill includes a provision in Title XIII of the Code,
25 governing commerce, indicating that the computation of an
26 interchange fee established, charged, or received by a payment
27 card network for the purpose of compensating the issuer for
28 its involvement in an electronic payment transaction shall be
29 governed by the provisions of Code chapter 424A, as created in
30 the bill.

31 The bill is applicable to electronic payment transactions
32 processed on or after July 1, 2012.



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House Study Bill 667 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act providing for sales and use taxes collected on farm
2 machinery and equipment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5629YC (2) 84
da/sc



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H.F. _____

1 Section 1. Section 423.3, subsection 8, paragraph a,
2 subparagraph (1), Code Supplement 2011, is amended to read as
3 follows:

4 (1) The farm machinery and equipment shall be ~~directly and~~
5 primarily used in production of agricultural products.

6 Sec. 2. ADOPTION OF RULES. The department of revenue shall
7 adopt rules as necessary in order to administer this Act. In
8 drafting its proposed rules as part of its notice of intended
9 action as required in section 17A.4, the department shall
10 consult organizations representing persons involved in the sale
11 of farm machinery and equipment.

12 EXPLANATION

13 This bill provides for an exemption from sales and use taxes
14 imposed on machinery and equipment sold for farm use (Code
15 sections 423.3 and 423.6). The bill retains the requirement
16 that the exemption applies to machinery and equipment primarily
17 used in agricultural production, but eliminates the requirement
18 that it also must be directly used for such production. The
19 bill also provides that when the department of revenue drafts
20 its proposed rules to administer the exemption revised in the
21 bill, it must consult with organizations representing retailers
22 who sell farm machinery and equipment.



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House Study Bill 668 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act providing for the allocation of moneys from the primary
2 road fund and the disposition of federal aid road funds.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6101YC (2) 84
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H.F. _____

1 Section 1. Section 313.4, subsection 1, Code Supplement
2 2011, is amended by adding the following new paragraph:
3 NEW PARAGRAPH. c. The commission may allocate moneys from
4 the fund for the establishment, construction, and maintenance
5 of the secondary road system and municipal street system in
6 exchange for retaining in the fund all or a portion of federal
7 aid road funds that would otherwise be allocated to counties
8 and cities.

9 EXPLANATION

10 In the "Road Use Tax Fund Efficiency Report", January 2012,
11 the department of transportation identified the following
12 partnership efficiency goal: "Develop, in conjunction with
13 the regional planning affiliations and metropolitan planning
14 organizations and other stakeholder groups, a process to
15 exchange STP (surface transportation program) federal funds
16 for primary highway system funds for the purpose of reducing
17 the number of small projects that have to meet onerous federal
18 requirements".

19 This bill authorizes the transportation commission to
20 allocate moneys from the primary road fund to be used on the
21 secondary road system and the municipal street system. The
22 allocation would be in exchange for all or a portion of federal
23 aid road funds that would otherwise be allocated to counties
24 and cities.



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House File 2335

S-5109

1 Amend the amendment, S-5056, to House File 2335,
2 as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 16, after line 48 by inserting:
5 <Sec. _____. Section 904A.4A, Code 2011, is amended
6 by adding the following new subsections:
7 NEW SUBSECTION. 7. Act as the representative of
8 the board relative to the passage, defeat, approval, or
9 modification of legislation that is being considered by
10 the general assembly.
11 NEW SUBSECTION. 8. Develop a budget for the board
12 subject to the approval of the board and prepare all
13 reports required by law.
14 NEW SUBSECTION. 9. Hire and supervise all staff
15 pursuant to the provisions of chapter 8A, subchapter
16 IV.
17 Sec. _____. REPEAL. Section 904A.4B, Code 2011, is
18 repealed.>

TOM HANCOCK

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House Amendment To
Senate File 479

S-5110

1 Amend Senate File 479, as passed by the Senate, as
2 follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 484B.1, Code 2011, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3A. "*Domesticated swine*" means
7 livestock that is a member of the species or subspecies
8 *sus scrofa domesticus*. "*Domesticated swine*" does
9 not include a dangerous wild animal as defined in
10 section 717F.1, including a member of the species *sus*
11 *scrofa linnaeus*, such as swine commonly known as a
12 Russian boar or European boar of either sex. A swine
13 classified by the department of agriculture and land
14 stewardship as fifteen percent or more Russian boar or
15 European boar is not a domesticated swine.
16 Sec. _____. Section 484B.4, subsection 1, Code 2011,
17 is amended to read as follows:
18 1. A person who owns or controls by lease or
19 otherwise for five or more years, a contiguous tract
20 of land having an area of not less than three hundred
21 twenty acres, and who desires to establish a hunting
22 preserve, to propagate and sell game birds and their
23 young or unhatched eggs, and or shoot game birds, and
24 ungulates, or domesticated swine on the land, under
25 this chapter or the rules of the commission, shall
26 make application to the department for an operator's
27 license. The application shall be made under oath of
28 the applicant or under oath of one of its principal
29 officers if the applicant is an association or
30 corporation. Under the authority of this license, any
31 property or facilities to be used for propagating,
32 holding, processing, or pasturing of game birds, ~~or~~
33 ungulates, or domesticated swine shall not be required
34 to be contained within the contiguous land area
35 used for hunting purposes. The application shall be
36 accompanied by an operator's license fee of two hundred
37 dollars.
38 Sec. _____. Section 484B.4, subsection 2, paragraph
39 d, Code 2011, is amended to read as follows:
40 d. The game birds, ~~or~~ ungulates, or domesticated
41 swine released on the preserve will not be detrimental
42 to wildlife.
43 Sec. _____. Section 484B.7, subsection 2, Code 2011,
44 is amended to read as follows:
45 2. Each licensee shall file an annual report with
46 the department on or before April 30. The report
47 shall detail the hunting preserve operations during
48 the preceding license year. The original report shall
49 be forwarded to the department and a copy shall be
50 retained in the hunting preserve's file for three years

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1 from the date of expiration of the hunting preserve's
2 last license issued. Records required by this section
3 shall be entered in the annual report record within
4 twenty-four hours of the event. Failure to keep or
5 submit the required records and reports is grounds for
6 refusal to renew a license for the succeeding year. An
7 on-site inspection of property and facilities shall
8 be conducted by an authorized agent of the department
9 prior to the initial issuance of a hunting preserve
10 license. The hunting preserve may be reinspected by
11 an agent of the department at any reasonable time.
12 A licensed hunting preserve shall maintain adequate
13 facilities for all designated birds, and ungulates,
14 or domesticated swine held under the hunting preserve
15 license.

16 Sec. _____. NEW SECTION. 484B.12A Domesticated swine

17 1. The requirements of this chapter applicable
18 to ungulates shall apply to domesticated swine. In
19 addition, a person shall not obtain or retain a hunting
20 preserve license to confine domesticated swine unless
21 all of the following apply:

22 a. The domesticated swine must be confined by a
23 fence as provided in section 484B.5 that is constructed
24 in a manner and using materials approved by the
25 department of natural resources in cooperation with the
26 department of agriculture and land stewardship.

27 b. The department of natural resources shall
28 provide for special tags to identify domesticated swine
29 in the same manner as provided for ungulates in section
30 484B.9.

31 c. In addition to the health requirements for
32 ungulates provided in section 484B.12, a domesticated
33 swine shall be subject to all statutes and rules
34 applicable to the health of swine, as provided in Title
35 V, subtitle 2, including the prevention, control,
36 and eradication of diseases afflicting swine. The
37 department of agriculture may adopt rules to provide
38 for the testing of such swine. The department of
39 agriculture and land stewardship may require special
40 information included in records or reports as provided
41 in section 484B.7.

42 2. The department of natural resources and the
43 department of agriculture and land stewardship
44 shall cooperate in administering this section.
45 In administering this section, the department of
46 agriculture and land stewardship may inspect a proposed
47 hunting preserve and its facilities as provided in
48 section 484B.4 and may inspect the records or reports
49 of a hunting preserve licensee, and may inspect
50 the licensed hunting preserve and facilities at any

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1 reasonable time.>
2 2. Page 1, line 1, after <Code> by inserting
3 <Supplement>
4 3. Page 1, by striking lines 13 through 25 and
5 inserting <the family felidae classified as a bengal
6 with an ancestor classified as an Asian leopard
7 cat which is a member of the species prionailurus
8 bengalensis. The bengal must be the fourth or later
9 filial generation of offspring with the first filial
10 generation being the offspring of a domestic cat and an
11 Asian leopard cat, and each subsequent generation being
12 the offspring of a domestic cat.>
13 4. Page 1, before line 26 by inserting:
14 <Sec. _____. WILD BOARS.
15 1. As used in this section, "wild boar" means swine
16 that is a member of the species sus scrofa linnaeus,
17 including but not limited to swine commonly known as a
18 Russian boar or European boar of either sex.
19 2. Notwithstanding chapter 717F, a person who since
20 July 1, 2007, has confined one or more wild boars on
21 a contiguous tract of land having an area of not less
22 than three hundred twenty acres that is or has been
23 licensed as a hunting preserve under chapter 484B shall
24 have ninety days from the effective date of this Act to
25 destroy all wild boars possessed by the person.
26 3. A person who complies with subsection 2 shall
27 not be subject to section 484B.13, 484B.14, or
28 717F.11.>
29 5. Title page, line 1, before <cats> by inserting
30 <, and penalties relating to, swine classified as
31 domesticated swine and wild boars and>
32 6. Title page, line 2, by striking <and savannahs>
33 7. By renumbering as necessary.



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House Amendment To
Senate File 2164

S-5111

- 1 Amend Senate File 2164, as passed by the Senate, as
2 follows:
3 1. Page 2, after line 4 by inserting:
4 <Sec. _____. Section 237A.5, subsection 2, Code 2011,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. *0g.* A person subject to a record
7 check who is or was employed by a child care facility
8 or child care home provider and is hired by another
9 child care facility or child care home provider,
10 shall be subject to a record check in accordance with
11 this subsection. However, if the person was subject
12 to an evaluation because of a transgression in the
13 person's record and the evaluation determined that
14 the transgression did not warrant prohibition of the
15 person's involvement with child care and the latest
16 record checks do not indicate there is a transgression
17 that was committed subsequent to that evaluation,
18 the person may commence employment with the other
19 child care facility or provider in accordance with
20 the department's evaluation and an exemption from
21 any requirements for reevaluation of the latest
22 record checks is authorized. Authorization of an
23 exemption under this paragraph "*0g*" from requirements
24 for reevaluation of the latest record checks by
25 the department is subject to all of the following
26 provisions:
27 (1) The position with the subsequent employer
28 is substantially the same or has the same job
29 responsibilities as the position for which the previous
30 evaluation was performed.
31 (2) Any restrictions placed on the person's
32 employment in the previous evaluation by the department
33 shall remain applicable in the person's subsequent
34 employment.
35 (3) The person subject to the record checks has
36 maintained a copy of the previous evaluation and
37 provides the evaluation to the subsequent employer or
38 the previous employer provides the previous evaluation
39 from the person's personnel file pursuant to the
40 person's authorization. If a physical copy of the
41 previous evaluation is not provided to the subsequent
42 employer, the record checks shall be reevaluated.
43 (4) Although an exemption under this paragraph
44 "*0g*" may be authorized, the subsequent employer may
45 instead request a reevaluation of the record checks and
46 may employ the person while the reevaluation is being
47 performed.>
48 2. Title page, line 3, after <facilities> by
49 inserting <and child care facilities and homes>
50 3. By renumbering as necessary.

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House Amendment To
Senate File 2221

S-5112

1 Amend Senate File 2221, as passed by the Senate, as
2 follows:
3 1. Page 1, line 17, after <the> by inserting
4 <information in the Iowa court information system
5 available to the general public, the>



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House Amendment To
Senate File 2312

S-5113

1 Amend Senate File 2312 as follows:

2 1. Page 4, by striking lines 9 through 11
3 and inserting <the district court or the clerk's
4 designee shall require the interested person referred
5 to in section 229.6, subsection 1, to request a
6 preapplication>
7 2. Page 5, by striking lines 6 through 8 and
8 inserting <section, the clerk or the clerk's designee
9 shall require the interested person referred to in
10 subsection 1 to request a preapplication screening
11 assessment pursuant>



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House Amendment To
Senate File 2313

S-5114

1 Amend Senate File 2313, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. 2011 Iowa Acts, chapter 127, section
6 9, subsection 2, paragraph c, is amended by adding the
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (3) Notwithstanding section
9 8.33 or any other provision to the contrary,
10 any unencumbered or unobligated balance of the
11 appropriation made in this paragraph for the
12 insurance division or any other appropriation made for
13 operational purposes for the fiscal year beginning July
14 1, 2011, and ending June 30, 2012, that remains unused,
15 unencumbered, or unobligated at the close of the fiscal
16 year shall not revert but shall remain available to be
17 used for any relocation costs of the division in the
18 succeeding fiscal year.

19 Sec. 2. 2011 Iowa Acts, chapter 127, section 61, is
20 amended to read as follows:

21 SEC. 61. DEPARTMENT OF ADMINISTRATIVE SERVICES.

22 1. There is appropriated from the general fund of
23 the state to the department of administrative services
24 for the fiscal year beginning July 1, 2012, and ending
25 June 30, 2013, the following amounts, or so much
26 thereof as is necessary, to be used for the purposes
27 designated, and for not more than the following
28 full-time equivalent positions:

29 a. For salaries, support, maintenance, and
30 miscellaneous purposes:

31	\$	2,010,172
32		<u>3,901,735</u>
33	FTEs	84.18
34		<u>78.37</u>

35 b. For the payment of utility costs:

36	\$	1,313,230
37		<u>2,548,973</u>
38	FTEs	<u>1.00</u>

39 Notwithstanding section 8.33, any excess funds
40 appropriated for utility costs in this lettered
41 paragraph shall not revert to the general fund of the
42 state at the end of the fiscal year but shall remain
43 available for expenditure for the purposes of this
44 lettered paragraph during the succeeding fiscal year.

45 c. For Terrace Hill operations:

46	\$	202,957
47		<u>393,939</u>
48	FTEs	<u>6.88</u>

49 d. For the I3 distribution account:

50	\$	1,638,973
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1
2 e. For operations and maintenance of the Iowa 0
3 building:
4 \$ 497,768
5 966,164
6 FTEs 7.00
7 6.78
8 2. Members of the general assembly serving as
9 members of the deferred compensation advisory board
10 shall be entitled to receive per diem and necessary
11 travel and actual expenses pursuant to section 2.10,
12 subsection 5, while carrying out their official duties
13 as members of the board.
14 3. Any funds and premiums collected by the
15 department for workers' compensation shall be
16 segregated into a separate workers' compensation
17 fund in the state treasury to be used for payment of
18 state employees' workers' compensation claims and
19 administrative costs. Notwithstanding section 8.33,
20 unencumbered or unobligated moneys remaining in this
21 workers' compensation fund at the end of the fiscal
22 year shall not revert but shall be available for
23 expenditure for purposes of the fund for subsequent
24 fiscal years.
25 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES
26 — TRANSFER — MEDICATION THERAPY MANAGEMENT
27 PROGRAM. Contingent upon the enactment of legislation
28 during the 2012 legislative session establishing
29 a medication therapy management program, there is
30 transferred from the fees collected by the board of
31 pharmacy pursuant to chapter 155A and retained by the
32 board pursuant to the authority granted in section
33 147.82 to the department of administrative services
34 for the fiscal year beginning July 1, 2012, and ending
35 June 30, 2013, \$510,000 to be used for the medication
36 therapy management program.
37 Sec. 4. 2011 Iowa Acts, chapter 127, section 65, is
38 amended to read as follows:
39 SEC. 65. AUDITOR OF STATE.
40 1. There is appropriated from the general fund of
41 the state to the office of the auditor of state for the
42 fiscal year beginning July 1, 2012, and ending June
43 30, 2013, subject to subsection 3 of this section, the
44 following amount, or so much thereof as is necessary,
45 to be used for the purposes designated, and for not
46 more than the following full-time equivalent positions:
47 For salaries, support, maintenance, and
48 miscellaneous purposes:
49 \$ 452,734
50 878,755

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1 FTEs 103.00
2 2. The auditor of state may retain additional
3 full-time equivalent positions as is reasonable and
4 necessary to perform governmental subdivision audits
5 which are reimbursable pursuant to section 11.20
6 or 11.21, to perform audits which are requested by
7 and reimbursable from the federal government, and
8 to perform work requested by and reimbursable from
9 departments or agencies pursuant to section 11.5A
10 or 11.5B. The auditor of state shall notify the
11 department of management, the legislative fiscal
12 committee, and the legislative services agency of the
13 additional full-time equivalent positions retained.
14 3. The auditor of state shall allocate resources
15 from the appropriation in this section solely for audit
16 work related to the comprehensive annual financial
17 report, federally required audits, and investigations
18 of embezzlement, theft, or other significant financial
19 irregularities until the audit of the comprehensive
20 annual financial report is complete.
21 Sec. 5. 2011 Iowa Acts, chapter 127, section 66, is
22 amended to read as follows:
23 SEC. 66. IOWA ETHICS AND CAMPAIGN DISCLOSURE
24 BOARD. There is appropriated from the general fund of
25 the state to the Iowa ethics and campaign disclosure
26 board for the fiscal year beginning July 1, 2012, and
27 ending June 30, 2013, the following amount, or so much
28 thereof as is necessary, for the purposes designated:
29 For salaries, support, maintenance, and
30 miscellaneous purposes, and for not more than the
31 following full-time equivalent positions:
32 \$ 237,500
33 475,000
34 FTEs 5.00
35 Sec. 6. 2011 Iowa Acts, chapter 127, section 67,
36 subsection 1, is amended to read as follows:
37 1. There is appropriated from the general fund
38 of the state to the department of commerce for the
39 fiscal year beginning July 1, 2012, and ending June 30,
40 2013, the following amounts, or so much thereof as is
41 necessary, for the purposes designated:
42 a. ALCOHOLIC BEVERAGES DIVISION
43 For salaries, support, maintenance, and
44 miscellaneous purposes, and for not more than the
45 following full-time equivalent positions:
46 \$ 610,196
47 1,184,387
48 FTEs 21.00
49 18.50
50 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

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1 For salaries, support, maintenance, and
2 miscellaneous purposes, and for not more than the
3 following full-time equivalent positions:
4 \$ 300,177
5 582,641
6 FTEs 12.00
7 Sec. 7. 2011 Iowa Acts, chapter 127, section 67,
8 subsection 2, paragraphs a, b, and c, are amended to
9 read as follows:
10 a. BANKING DIVISION
11 For salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:
14 \$ 4,425,835
15 9,098,170
16 FTEs 80.00
17 70.50
18 b. CREDIT UNION DIVISION
19 For salaries, support, maintenance, and
20 miscellaneous purposes, and for not more than the
21 following full-time equivalent positions:
22 \$ 863,998
23 1,792,995
24 FTEs 19.00
25 15.00
26 c. INSURANCE DIVISION
27 (1) For salaries, support, maintenance, and
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:
30 \$ 2,491,622
31 4,983,244
32 FTEs 106.50
33 99.50
34 (2) The insurance division may reallocate
35 authorized full-time equivalent positions as necessary
36 to respond to accreditation recommendations or
37 requirements. The insurance division expenditures
38 for examination purposes may exceed the projected
39 receipts, refunds, and reimbursements, estimated
40 pursuant to section 505.7, subsection 7, including the
41 expenditures for retention of additional personnel,
42 if the expenditures are fully reimbursable and the
43 division first does both of the following:
44 (a) Notifies the department of management, the
45 legislative services agency, and the legislative fiscal
46 committee of the need for the expenditures.
47 (b) Files with each of the entities named in
48 subparagraph division (a) the legislative and
49 regulatory justification for the expenditures, along
50 with an estimate of the expenditures.

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1 Sec. 8. 2011 Iowa Acts, chapter 127, section 67,
2 subsection 2, paragraph d, subparagraphs (1) and (2),
3 are amended to read as follows:
4 (1) For salaries, support, maintenance, and
5 miscellaneous purposes, and for not more than the
6 following full-time equivalent positions:
7 \$ ~~4,086,535~~
8 8,173,069
9 FTEs 79.00
10 (2) The utilities division may expend additional
11 funds, including funds for additional personnel, if
12 those additional expenditures are actual expenses which
13 exceed the funds budgeted for utility regulation and
14 the expenditures are fully reimbursable. Before the
15 division expends or encumbers an amount in excess of
16 the funds budgeted for regulation, the division shall
17 first do both of the following:
18 (a) Notify the department of management, the
19 legislative services agency, and the legislative fiscal
20 committee of the need for the expenditures.
21 (b) File with each of the entities named in
22 subparagraph division (a) the legislative and
23 regulatory justification for the expenditures, along
24 with an estimate of the expenditures.
25 Sec. 9. 2011 Iowa Acts, chapter 127, section 67,
26 subsection 2, paragraph d, subparagraph (4), is amended
27 to read as follows:
28 (4) In addition to the funds otherwise appropriated
29 to the division in subparagraph (1), and contingent
30 upon the enactment of legislation during the ~~2011~~
31 2012 legislative session relating to the permitting,
32 licensing, construction, and operation of nuclear
33 generation facilities and establishing rate-making
34 principles in relation thereto, for salaries, support,
35 consulting, maintenance, and miscellaneous purposes,
36 and for not more than the following full-time
37 equivalent positions:
38 \$ 425,000
39 FTEs 3.50
40 Sec. 10. 2011 Iowa Acts, chapter 127, section 68,
41 is amended to read as follows:
42 SEC. 68. DEPARTMENT OF COMMERCE — PROFESSIONAL
43 LICENSING AND REGULATION BUREAU. There is appropriated
44 from the housing trust fund of the Iowa finance
45 authority created in section 16.181, to the bureau of
46 professional licensing and regulation of the banking
47 division of the department of commerce for the fiscal
48 year beginning July 1, 2012, and ending June 30,
49 2013, the following amount, or so much thereof as is
50 necessary, to be used for the purposes designated:

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1 For salaries, support, maintenance, and
2 miscellaneous purposes:
3 \$ 31,159
4 62,317
5 Sec. 11. IOWA TELECOMMUNICATIONS AND TECHNOLOGY
6 COMMISSION — REGIONAL TELECOMMUNICATIONS
7 COUNCILS. There is appropriated from the general
8 fund of the state to the Iowa telecommunications and
9 technology commission for the fiscal year beginning
10 July 1, 2012, and ending June 30, 2013, the following
11 amounts, or so much thereof as is necessary, to be used
12 for the purposes designated:
13 For state aid for regional telecommunications
14 councils:
15 \$ 992,913
16 The regional telecommunications councils established
17 in section 8D.5 shall use the moneys appropriated
18 in this section to provide technical assistance for
19 network classrooms, planning and troubleshooting for
20 local area networks, scheduling of video sites, and
21 other related support activities.
22 Sec. 12. 2011 Iowa Acts, chapter 127, section 69,
23 is amended to read as follows:
24 SEC. 69. GOVERNOR AND LIEUTENANT GOVERNOR. There
25 is appropriated from the general fund of the state to
26 the offices of the governor and the lieutenant governor
27 for the fiscal year beginning July 1, 2012, and ending
28 June 30, 2013, the following amounts, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:
31 For salaries, support, maintenance, and
32 miscellaneous purposes:
33 \$ 1,144,013
34 2,220,523
35 FTEs 22.88
36 22.00
37 Sec. 13. 2011 Iowa Acts, chapter 127, section 70,
38 is amended to read as follows:
39 SEC. 70. GOVERNOR'S OFFICE OF DRUG CONTROL
40 POLICY. There is appropriated from the general fund
41 of the state to the governor's office of drug control
42 policy for the fiscal year beginning July 1, 2012, and
43 ending June 30, 2013, the following amount, or so much
44 thereof as is necessary, to be used for the purposes
45 designated:
46 For salaries, support, maintenance, and
47 miscellaneous purposes, including statewide
48 coordination of the drug abuse resistance education
49 (D.A.R.E.) programs or similar programs, and for not
50 more than the following full-time equivalent positions:

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1 \$ 145,000
2 290,000
3 FTEs 8.00
4 6.00
5 Sec. 14. 2011 Iowa Acts, chapter 127, section 71,
6 is amended to read as follows:
7 SEC. 71. DEPARTMENT OF HUMAN RIGHTS. There is
8 appropriated from the general fund of the state to
9 the department of human rights for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 following amounts, or so much thereof as is necessary,
12 to be used for the purposes designated:
13 1. CENTRAL ADMINISTRATION DIVISION
14 For salaries, support, maintenance, and
15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions:
17 \$ 103,052
18 200,022
19 FTEs 7.00
20 5.35
21 2. COMMUNITY ADVOCACY AND SERVICES DIVISION
22 For salaries, support, maintenance, and
23 miscellaneous purposes, and for not more than the
24 following full-time equivalent positions:
25 \$ 514,039
26 997,746
27 FTEs 17.00
28 9.38
29 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION
30 For salaries, support, maintenance, and
31 miscellaneous purposes, and for not more than the
32 following full-time equivalent positions:
33 \$ 511,946
34 993,685
35 FTEs 10.00
36 The criminal and juvenile justice planning advisory
37 council and the juvenile justice advisory council
38 shall coordinate their efforts in carrying out their
39 respective duties relative to juvenile justice.
40 Sec. 15. 2011 Iowa Acts, chapter 127, section 72,
41 is amended to read as follows:
42 SEC. 72. DEPARTMENT OF INSPECTIONS AND
43 APPEALS. There is appropriated from the general fund
44 of the state to the department of inspections and
45 appeals for the fiscal year beginning July 1, 2012, and
46 ending June 30, 2013, the following amounts, or so much
47 thereof as is necessary, for the purposes designated:
48 1. ADMINISTRATION DIVISION
49 For salaries, support, maintenance, and
50 miscellaneous purposes, and for not more than the

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1 following full-time equivalent positions:
2 \$ 763,870
3 248,409
4 FTEs 37.40
5 14.25
6 2. ADMINISTRATIVE HEARINGS DIVISION
7 For salaries, support, maintenance, and
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions:
10 \$ 264,377
11 528,753
12 FTEs 23.00
13 3. INVESTIGATIONS DIVISION
14 a. For salaries, support, maintenance, and
15 miscellaneous purposes, and for not more than the
16 following full-time equivalent positions:
17 \$ 584,320
18 1,168,639
19 FTEs 58.50
20 b. The department, in coordination with the
21 investigations division, shall provide a report to
22 the general assembly by January 10, 2013, concerning
23 the fiscal impact of additional full-time equivalent
24 positions on the department's efforts relative to the
25 Medicaid divestiture program under chapter 249F.
26 4. HEALTH FACILITIES DIVISION
27 a. For salaries, support, maintenance, and
28 miscellaneous purposes, and for not more than the
29 following full-time equivalent positions:
30 \$ 1,777,664
31 3,917,666
32 FTEs 134.75
33 121.75
34 b. The department shall, in coordination with
35 the health facilities division, make the following
36 information available to the public in a timely manner,
37 to include providing the information on as part of
38 the department's development efforts to revise the
39 department's internet website, during the fiscal year
40 beginning July 1, 2012, and ending June 30, 2013:
41 (1) The number of inspections conducted by the
42 division annually by type of service provider and type
43 of inspection.
44 (2) The total annual operations budget for the
45 division, including general fund appropriations and
46 federal contract dollars received by type of service
47 provider inspected.
48 (3) The total number of full-time equivalent
49 positions in the division, to include the number of
50 full-time equivalent positions serving in a supervisory

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1 capacity, and serving as surveyors, inspectors, or
2 monitors in the field by type of service provider
3 inspected.
4 (4) Identification of state and federal survey
5 trends, cited regulations, the scope and severity of
6 deficiencies identified, and federal and state fines
7 assessed and collected concerning nursing and assisted
8 living facilities and programs.
9 c. It is the intent of the general assembly that
10 the department and division continuously solicit input
11 from facilities regulated by the division to assess and
12 improve the division's level of collaboration and to
13 identify new opportunities for cooperation.
14 5. EMPLOYMENT APPEAL BOARD
15 a. For salaries, support, maintenance, and
16 miscellaneous purposes, and for not more than the
17 following full-time equivalent positions:
18 \$ 21,108
19 42,215
20 FTEs 14.00
21 b. The employment appeal board shall be reimbursed
22 by the labor services division of the department
23 of workforce development for all costs associated
24 with hearings conducted under chapter 91C, related
25 to contractor registration. The board may expend,
26 in addition to the amount appropriated under this
27 subsection, additional amounts as are directly billable
28 to the labor services division under this subsection
29 and to retain the additional full-time equivalent
30 positions as needed to conduct hearings required
31 pursuant to chapter 91C.
32 6. CHILD ADVOCACY BOARD
33 a. For foster care review and the court appointed
34 special advocate program, including salaries, support,
35 maintenance, and miscellaneous purposes, and for not
36 more than the following full-time equivalent positions:
37 \$ 1,340,145
38 2,680,290
39 FTEs 40.80
40 32.35
41 b. The department of human services, in
42 coordination with the child advocacy board and the
43 department of inspections and appeals, shall submit an
44 application for funding available pursuant to Tit. IV-E
45 of the federal Social Security Act for claims for child
46 advocacy board administrative review costs.
47 c. The court appointed special advocate program
48 shall investigate and develop opportunities for
49 expanding fund-raising for the program.
50 d. Administrative costs charged by the department

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1 of inspections and appeals for items funded under this
2 subsection shall not exceed 4 percent of the amount
3 appropriated in this subsection.
4 Sec. 16. 2011 Iowa Acts, chapter 127, section 72,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 7. FOOD AND CONSUMER SAFETY
7 For salaries, support, maintenance, and
8 miscellaneous purposes, and for not more than the
9 following full-time equivalent positions:
10 \$ 1,279,331
11 FTEs 21.00
12 Sec. 17. 2011 Iowa Acts, chapter 127, section 73,
13 is amended to read as follows:
14 SEC. 73. DEPARTMENT OF INSPECTIONS AND APPEALS —
15 MUNICIPAL CORPORATION FOOD INSPECTIONS. For the fiscal
16 year beginning July 1, 2012, and ending June 30, 2013,
17 the department of inspections and appeals shall retain
18 any license fees generated during the fiscal year as
19 a result of actions under section 137F.3A occurring
20 during the period beginning July 1, 2009, and ending
21 June 30, ~~2011~~ 2013, for the purpose of enforcing the
22 provisions of chapters 137C, 137D, and 137F.
23 Sec. 18. DEPARTMENT OF INSPECTIONS AND
24 APPEALS — GENERAL SUPPORT — MEDICAID FRAUD FUND
25 APPROPRIATION. There is appropriated from the Medicaid
26 fraud fund created in section 249A.7 to the health
27 facilities division of the department of inspections
28 and appeals for the fiscal year beginning July 1, 2012,
29 and ending June 30, 2013, the following amount, or
30 so much thereof as is necessary, to be used for the
31 purposes designated:
32 For salaries, support, maintenance, and
33 miscellaneous purposes:
34 \$ 286,661
35 Sec. 19. DEPARTMENT OF INSPECTIONS AND APPEALS
36 — STATE MATCH REQUIREMENTS — MEDICAID FRAUD FUND
37 APPROPRIATION. There is appropriated from the Medicaid
38 fraud fund created in section 249A.7 to the department
39 of inspections and appeals for the fiscal year
40 beginning July 1, 2012, and ending June 30, 2013, the
41 following amounts, or so much thereof as is necessary,
42 to be used for the purposes designated:
43 1. To cover the cost of any state match to draw
44 down matching federal funds through the department of
45 human services for additional full-time equivalent
46 positions for conducting investigations of alleged
47 fraud and overpayments of food assistance benefits
48 through electronic benefits transfer:
49 \$ 119,070
50 2. For the state financial match requirement

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1 for meeting the federal mandates connected with the
2 department's Medicaid fraud and abuse activities:
3 \$ 885,262
4 3. To cover costs incurred by the department or
5 other agencies in providing regulation, responding to
6 allegations, or other activity involving chapter 1350:
7 \$ 119,480
8 Sec. 20. DEPARTMENT OF INSPECTIONS AND APPEALS
9 — LEGISLATIVE IMPLEMENTATION — MEDICAID FRAUD FUND
10 APPROPRIATION. There is appropriated from the Medicaid
11 fraud fund created in section 249A.7 to the department
12 of inspections and appeals for the fiscal year
13 beginning July 1, 2012, and ending June 30, 2013, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purposes designated:
16 For salaries, support, maintenance, miscellaneous
17 purposes, administration, and other costs associated
18 with implementation of 2010 Iowa Acts, chapter 1177:
19 \$ 250,000
20 Sec. 21. 2011 Iowa Acts, chapter 127, section 78,
21 is amended to read as follows:
22 SEC. 78. RACING AND GAMING COMMISSION.
23 1. RACETRACK REGULATION
24 There is appropriated from the gaming regulatory
25 revolving fund established in section 99F.20 to the
26 racing and gaming commission of the department of
27 inspections and appeals for the fiscal year beginning
28 July 1, 2012, and ending June 30, 2013, the following
29 amount, or so much thereof as is necessary, to be used
30 for the purposes designated:
31 For salaries, support, maintenance, and
32 miscellaneous purposes for the regulation of
33 pari-mutuel racetracks, and for not more than the
34 following full-time equivalent positions:
35 \$ 1,255,720
36 2,898,925
37 FTEs 28.53
38 32.03
39 2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION
40 There is appropriated from the gaming regulatory
41 revolving fund established in section 99F.20 to the
42 racing and gaming commission of the department of
43 inspections and appeals for the fiscal year beginning
44 July 1, 2012, and ending June 30, 2013, the following
45 amount, or so much thereof as is necessary, to be used
46 for the purposes designated:
47 For salaries, support, maintenance, and
48 miscellaneous purposes for administration and
49 enforcement of the excursion boat gambling and gambling
50 structure laws, and for not more than the following

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1 full-time equivalent positions:
2 \$ 1,539,050
3 2,923,838
4 FTEs 44.22
5 40.72
6 Sec. 22. 2011 Iowa Acts, chapter 127, section 79,
7 is amended to read as follows:
8 SEC. 79. ROAD USE TAX FUND APPROPRIATION —
9 DEPARTMENT OF INSPECTIONS AND APPEALS. There is
10 appropriated from the road use tax fund created in
11 section 312.1 to the administrative hearings division
12 of the department of inspections and appeals for the
13 fiscal year beginning July 1, 2012, and ending June 30,
14 2013, the following amount, or so much thereof as is
15 necessary, for the purposes designated:
16 For salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 811,949
19 1,623,897
20 Sec. 23. 2011 Iowa Acts, chapter 127, section 80,
21 is amended to read as follows:
22 SEC. 80. DEPARTMENT OF MANAGEMENT.
23 1. There is appropriated from the general fund
24 of the state to the department of management for the
25 fiscal year beginning July 1, 2012, and ending June 30,
26 2013, the following amounts, or so much thereof as is
27 necessary, to be used for the purposes designated:
28 For salaries, support, maintenance, and
29 miscellaneous purposes, and for not more than the
30 following full-time equivalent positions:
31 \$ 1,196,999
32 2,323,370
33 FTEs 25.00
34 20.00
35 2. Of the moneys appropriated in this section, the
36 department shall use a portion for enterprise resource
37 planning, providing for a salary model administrator,
38 conducting performance audits, and for the department's
39 LEAN process.
40 Sec. 24. 2011 Iowa Acts, chapter 127, section 81,
41 is amended to read as follows:
42 SEC. 81. ROAD USE TAX APPROPRIATION — DEPARTMENT
43 OF MANAGEMENT. There is appropriated from the road use
44 tax fund created in section 312.1 to the department
45 of management for the fiscal year beginning July 1,
46 2012, and ending June 30, 2013, the following amount,
47 or so much thereof as is necessary, to be used for the
48 purposes designated:
49 For salaries, support, maintenance, and
50 miscellaneous purposes:

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1 \$ 28,000
2 56,000
3 Sec. 25. 2011 Iowa Acts, chapter 127, section 82,
4 is amended to read as follows:
5 SEC. 82. DEPARTMENT OF REVENUE.
6 1. There is appropriated from the general fund
7 of the state to the department of revenue for the
8 fiscal year beginning July 1, 2012, and ending June 30,
9 2013, the following amounts, or so much thereof as is
10 necessary, to be used for the purposes designated:
11 For salaries, support, maintenance, and
12 miscellaneous purposes, and for not more than the
13 following full-time equivalent positions:
14 \$ 8,829,742
15 17,138,488
16 FTEs 303.48
17 245.46
18 2. Of the funds appropriated pursuant to this
19 section, \$400,000 shall be used to pay the direct
20 costs of compliance related to the collection and
21 distribution of local sales and services taxes imposed
22 pursuant to chapters 423B and 423E.
23 3. The director of revenue shall prepare and issue
24 a state appraisal manual and the revisions to the
25 state appraisal manual as provided in section 421.17,
26 subsection 17, without cost to a city or county.
27 Sec. 26. 2011 Iowa Acts, chapter 127, section 83,
28 is amended to read as follows:
29 SEC. 83. MOTOR VEHICLE FUEL TAX
30 APPROPRIATION. There is appropriated from the motor
31 fuel tax fund created by section 452A.77 to the
32 department of revenue for the fiscal year beginning
33 July 1, 2012, and ending June 30, 2013, the following
34 amount, or so much thereof as is necessary, to be used
35 for the purposes designated:
36 For salaries, support, maintenance, miscellaneous
37 purposes, and for administration and enforcement of the
38 provisions of chapter 452A and the motor vehicle use
39 tax program:
40 \$ 652,888
41 1,305,775
42 Sec. 27. 2011 Iowa Acts, chapter 127, section 84,
43 is amended to read as follows:
44 SEC. 84. SECRETARY OF STATE.
45 1. There is appropriated from the general fund of
46 the state to the office of the secretary of state for
47 the fiscal year beginning July 1, 2012, and ending June
48 30, 2013, the following amounts, or so much thereof as
49 is necessary, to be used for the purposes designated:
50 For salaries, support, maintenance, and

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1 miscellaneous purposes, and for not more than the
2 following full-time equivalent positions:
3 \$ 1,447,793
4 2,810,159
5 FTEs 45.00
6 34.00
7 2. The state department or state agency which
8 provides data processing services to support voter
9 registration file maintenance and storage shall provide
10 those services without charge.
11 Sec. _____. 2011 Iowa Acts, chapter 127, section 85,
12 is amended to read as follows:
13 SEC. 85. SECRETARY OF STATE FILING FEES REFUND.
14 Notwithstanding the obligation to collect fees pursuant
15 to the provisions of section 489.117, subsection 1,
16 paragraphs "a" and "o", section 490.122, subsection
17 1, paragraphs "a" and "s", and section 504.113,
18 subsection 1, paragraphs "a", "c", "d", "j", "k", "l",
19 and "m", for the fiscal year beginning July 1, 2012,
20 the secretary of state may refund these fees to the
21 filer pursuant to rules established by the secretary of
22 state. The decision of the secretary of state not to
23 issue a refund under rules established by the secretary
24 of state is final and not subject to review pursuant
25 to chapter 17A.
26 Sec. 28. 2011 Iowa Acts, chapter 127, section 86,
27 is amended to read as follows:
28 SEC. 86. TREASURER.
29 1. There is appropriated from the general fund of
30 the state to the office of treasurer of state for the
31 fiscal year beginning July 1, 2012, and ending June 30,
32 2013, the following amount, or so much thereof as is
33 necessary, to be used for the purposes designated:
34 For salaries, support, maintenance, and
35 miscellaneous purposes, and for not more than the
36 following full-time equivalent positions:
37 \$ 427,145
38 829,086
39 FTEs 28.80
40 2. The office of treasurer of state shall supply
41 clerical and secretarial support for the executive
42 council.
43 Sec. 29. 2011 Iowa Acts, chapter 127, section 87,
44 is amended to read as follows:
45 SEC. 87. ROAD USE TAX APPROPRIATION — OFFICE
46 OF TREASURER OF STATE. There is appropriated from
47 the road use tax fund created in section 312.1 to
48 the office of treasurer of state for the fiscal year
49 beginning July 1, 2012, and ending June 30, 2013, the
50 following amount, or so much thereof as is necessary,

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1 to be used for the purposes designated:
2 For enterprise resource management costs related to
3 the distribution of road use tax funds:
4 \$ 46,574
5 93,148
6 Sec. 30. 2011 Iowa Acts, chapter 127, section 88,
7 is amended to read as follows:
8 SEC. 88. IPERS — GENERAL OFFICE. There is
9 appropriated from the Iowa public employees' retirement
10 system fund to the Iowa public employees' retirement
11 system for the fiscal year beginning July 1, 2012, and
12 ending June 30, 2013, the following amount, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:
15 For salaries, support, maintenance, and other
16 operational purposes to pay the costs of the Iowa
17 public employees' retirement system, and for not more
18 than the following full-time equivalent positions:
19 \$ 8,843,484
20 17,686,968
21 FTEs 90.13
22 Sec. 31. 2011 Iowa Acts, chapter 129, section 149,
23 is amended to read as follows:
24 SEC. 149. MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
25 INSPECTIONS AND APPEALS. There is appropriated from
26 the Medicaid fraud account created in section 249A.7
27 to the department of inspections and appeals for the
28 fiscal year beginning July 1, 2012, and ending June 30,
29 2013, the following amount, or so much thereof as is
30 necessary, to be used for the purposes designated:
31 For the inspection and certification of assisted
32 living programs and adult day care services, including
33 program administration and costs associated with
34 implementation:
35 \$ 669,764
36 1,339,527
37 Sec. _____. Section 249A.7, subsection 3, paragraph
38 b, Code Supplement 2011, is amended to read as follows:
39 b. Notwithstanding section 8.33, moneys credited
40 to the fund from any other account or fund shall not
41 revert to the other account or fund. Moneys in the
42 fund shall only be used as provided in appropriations
43 from the fund and shall be used in accordance with
44 applicable laws, regulations, and the policies of
45 the office of inspector general of the United States
46 department of health and human services transferred to
47 the health care trust fund created in section 453A.35A.
48 Sec. _____. Section 453A.35A, subsection 1, Code
49 Supplement 2011, is amended to read as follows:
50 1. A health care trust fund is created in the

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1 office of the treasurer of state. The fund consists
2 of the revenues generated from the tax on cigarettes
3 pursuant to section 453A.6, subsection 1, and from
4 the tax on tobacco products as specified in section
5 453A.43, subsections 1, 2, 3, and 4, that are credited
6 to the health care trust fund, annually, pursuant to
7 section 453A.35. The fund shall also consist of moneys
8 transferred from the Medicaid fraud fund created in
9 section 249A.7. Moneys in the fund shall be separate
10 from the general fund of the state and shall not be
11 considered part of the general fund of the state.
12 However, the fund shall be considered a special account
13 for the purposes of section 8.53 relating to generally
14 accepted accounting principles. Moneys in the fund
15 shall be used only as specified in this section and
16 shall be appropriated only for the uses specified.
17 Moneys in the fund are not subject to section 8.33
18 and shall not be transferred, used, obligated,
19 appropriated, or otherwise encumbered, except as
20 provided in this section. Notwithstanding section
21 12C.7, subsection 2, interest or earnings on moneys
22 deposited in the fund shall be credited to the fund.
23 Sec. 34. EFFECTIVE UPON ENACTMENT. The following
24 provision or provisions of this Act, being deemed of
25 immediate importance, take effect upon enactment:
26 1. The section of this Act amending 2011 Iowa Acts,
27 chapter 127, section 9, subsection 2, paragraph "c".
28 Sec. _____. EFFECTIVE DATE. The following provision
29 or provisions of this Act take effect July 1, 2013:
30 1. The section of this Act amending section 249A.7.
31 2. The section of this Act amending section
32 453A.35A.
33 Sec. 35. RETROACTIVE APPLICABILITY. The following
34 provision or provisions of this Act apply retroactively
35 to July 1, 2011:
36 1. The section of this Act amending 2011 Iowa Acts,
37 chapter 127, section 9, subsection 2, paragraph "c".>
38 2. Title page, line 3, after <atters> by inserting
39 <and including effective date and retroactive
40 applicability provisions>
41 3. By renumbering, redesignating, and correcting
42 internal references as necessary.

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House Amendment To
Senate File 2314

S-5115

1 Amend Senate File 2314, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Sec. _____. 2011 Iowa Acts, chapter 125, section 2,
5 subsection 1, paragraphs a and c, are amended to read
6 as follows:
7 a. Operations:
8 \$ 40,356,529
9 40,076,529
10 FTEs 296.00
11 c. Highways:
12 \$230,913,992
13 230,113,992
14 FTEs 2,247.00
15 2. Page 2, line 31, by striking <550,000> and
16 inserting <550,000 350,000>
17 3. Page 4, line 29, by striking <242,000> and
18 inserting <80,667>
19 4. Page 6, after line 8 by inserting:
20 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
21 provision of this Act, being deemed of immediate
22 importance, takes effect upon enactment:
23 1. The section of this Act amending 2011 Acts,
24 chapter 125, section 2, subsection 1, paragraphs a and
25 c.>
26 5. By renumbering as necessary.

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House File 2379

S-5116

- 1 Amend House File 2379, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. NEW SECTION. 901C.1 Expunging criminal
5 records by the judicial branch.
6 1. As used in this section, "expunged" means the
7 same as defined in section 907.1.
8 2. If a person is arrested and all counts and
9 related charges are later dismissed, or the person is
10 found not guilty on all counts and related charges
11 stemming from the arrest, or the person is not
12 subsequently charged with a crime after the arrest, the
13 court's criminal record relating to the arrest, counts,
14 and charges shall be expunged.
15 3. The provisions of this section apply to cases
16 occurring prior to, on, or after the effective date of
17 this Act.>
18 2. Page 1, line 5, after <criminal> by inserting
19 <or civil>
20 3. Page 3, line 27, by striking <or related charge>
21 and inserting <, related charge, or arrest>
22 4. By renumbering as necessary.

PAT WARD

PAM JOCHUM

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jm/rj

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House File 2345

S-5117

1 Amend House File 2345, as passed by the House, as
2 follows:

3 1. Page 1, after line 6 by inserting:

4 <Sec. _____. Section 598.41, subsection 5, paragraph
5 a, Code 2011, is amended to read as follows:

6 a. (1) If joint legal custody is awarded to both
7 parents, the court may award joint physical care
8 to both joint custodial parents upon the request of
9 either parent during the proceedings on the initial
10 dissolution petition or during the proceedings on
11 a modification of the original custody order. A
12 rebuttable presumption exists that a request for
13 joint physical care by either parent is in the best
14 interest of the child. The burden of proof to rebut
15 the presumption rests on the party denying that joint
16 physical care is in the best interest of the child, and
17 such party shall demonstrate that joint physical care
18 is not in the best interest of the child by clear and
19 convincing evidence.

20 (2) Prior to ruling on the request for the award
21 of joint physical care, the court may require the
22 parents to submit, either individually or jointly,
23 a proposed joint physical care parenting plan. A
24 proposed joint physical care parenting plan shall
25 address how the parents will make decisions affecting
26 the child, how the parents will provide a home for the
27 child, how the child's time will be divided between
28 the parents and how each parent will facilitate the
29 child's time with the other parent, arrangements in
30 addition to court-ordered child support for the child's
31 expenses, how the parents will resolve major changes
32 or disagreements affecting the child including changes
33 that arise due to the child's age and developmental
34 needs, and any other issues the court may require.

35 (3) If the court finds by clear and convincing
36 evidence that joint physical care is not in the best
37 interest of the child and denies the request for joint
38 physical care, the determination shall be accompanied
39 by specific findings of fact and conclusions of law
40 that the awarding of joint physical care is not in
41 the best interest of the child. In determining the
42 best interest of the child relative to the denial of
43 a request for joint physical care, the court shall
44 consider that the best interest of the child includes
45 the opportunity for the maximum continuous physical and
46 emotional contact possible with both parents, unless
47 direct physical or significant emotional harm to the
48 child may result from such contact.>

49 2. By renumbering as necessary.

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NANCY J. BOETTGER

BRAD ZAUN

JERRY BEHN

KENT SORENSON

BILL ANDERSON

RICK BERTRAND

JONI ERNST

JAMES F. HAHN

ROBERT BACON

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MARK CHELGREN



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RANDY FEENSTRA

TIM KAPUCIAN

PAUL McKINLEY

JACK WHITVER



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House File 2336

S-5118

- 1 Amend the amendment, S-5057, to House File 2336, as
2 passed by the House, as follows:
3 1. Page 4, after line 8 by inserting:
4 <_. a. The department shall use 32 of the
5 full-time equivalent positions authorized pursuant
6 to subsection 1 to support full-time park ranger
7 positions, including four new full-time park ranger
8 positions.
9 b. Notwithstanding paragraph "a", if the department
10 determines that the amount of the appropriation made in
11 subsection 1 is not sufficient to support 32 full-time
12 park ranger positions, it shall support at least 30
13 full-time park ranger positions.
14 c. The department shall not reduce the number of
15 full-time park ranger positions to fewer than 30.>
16 2. Page 4, after line 34 by inserting:
17 <_. From the amount appropriated in subsection
18 1, the department shall support at least 84 full-time
19 conservation officer positions.>
20 3. Page 6, by striking lines 19 through 31.
21 4. Page 6, before line 32 by inserting:
22 <DIVISION
23 USE OF MONEYS IN THE STATE FISH AND GAME PROTECTION
24 FUND — PURCHASE OF RADIOS
25 Sec. _____. 2011 Iowa Acts, chapter 128, section 19,
26 subsection 1, is amended to read as follows:
27 1. Notwithstanding 2010 Iowa Acts, chapter 1191,
28 section 7, the department of natural resources may use
29 the unappropriated balance remaining in the state fish
30 and game protection fund for the fiscal year beginning
31 July 1, 2010, and ending June 30, 2011, to purchase
32 mobile radios to meet federal and state requirements
33 for homeland security and public safety. This section
34 applies to those moneys in the fund that are not
35 otherwise used, obligated, or encumbered for payment
36 of health and life insurance premium payments for
37 conservation peace officer retirements for that fiscal
38 year. The department may use such moneys until June
39 30, ~~2012~~ 2013.
40 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
41 of this Act amending 2011 Iowa Acts, chapter 128,
42 section 19, subsection 1, being deemed of immediate
43 importance, takes effect upon enactment.>
44 5. Page 12, after line 17 by inserting:
45 <_. Title page, line 3, after <protection> by
46 inserting <, and including effective date provisions>>
47 6. By renumbering as necessary.

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DENNIS H. BLACK



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House File 2369

S-5119

- 1 Amend House File 2369, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, before line 1 by inserting:
4 <Section 1. Section 144.26, subsection 3, Code
5 Supplement 2011, is amended to read as follows:
6 3. a. The county in which a dead body is found
7 is the county of death. If death occurs in a moving
8 conveyance, the county in which the dead body is first
9 removed from the conveyance is the county of death.
10 b. If a decedent died outside of the county of
11 the decedent's residence, the state registrar shall
12 send a copy of the decedent's death certificate and
13 any amendments to the county registrar of the county
14 of the decedent's residence. The county registrar
15 shall record a death certificate received pursuant to
16 this paragraph in the same records in which the death
17 certificate of a decedent who died within the county is
18 recorded. The state registrar may provide the county
19 registrars with electronic access to vital records in
20 lieu of the requirements of this paragraph.>
21 2. Page 1, after line 12 by inserting:
22 <Sec. _____. EFFECTIVE UPON ENACTMENT. The section
23 of this Act amending section 144.26, being deemed of
24 immediate importance, takes effect upon enactment.>
25 3. Title page, line 1, after <to> by inserting
26 <vital statistics, including>
27 4. Title page, line 1, after <permit> by inserting
28 <and the transmission and recording of certain death
29 certificates, and including effective date provisions>
30 5. By renumbering as necessary.

MARY JO WILHELM

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ad/nh

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House File 2228

S-5120

1 Amend House File 2228, as passed by the House, as
2 follows:
3 1. Page 1, after line 32 by inserting:
4 <Sec. _____. Section 321.323A, Code 2011, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 3. a. A person convicted of a
7 violation of this section commits a simple misdemeanor
8 punishable as a scheduled violation under section
9 805.8A, subsection 11.
10 b. A person convicted of a violation of this
11 section which resulted in an accident causing bodily
12 injury to or the death of another person may be subject
13 to the following penalties in addition to the penalty
14 provided for a scheduled violation in section 805.8A,
15 subsection 11, or any other penalty provided by law:
16 (1) For a violation causing bodily injury to
17 another person, a fine of five hundred dollars.
18 (2) For a violation causing death, a fine of one
19 thousand dollars.
20 c. Upon receiving a record of a person's conviction
21 for a violation under paragraph "a" which resulted in
22 an accident causing damage to the property of another
23 person or bodily injury to or death of another person,
24 the department shall suspend the person's driver's
25 license or operating privileges, upon thirty days'
26 notice and without preliminary hearing, as follows:
27 (1) For a violation causing damage to the property
28 of another person, but not resulting in bodily injury
29 or death of to another person, the department shall
30 suspend the violator's driver's license or operating
31 privileges for ninety days.
32 (2) For a violation causing bodily injury to
33 another person, the department shall suspend the
34 violator's driver's license or operating privileges for
35 one hundred eighty days.
36 (3) For a violation causing death, the department
37 shall suspend the violator's driver's license or
38 operating privileges for one year.
39 Sec. _____. Section 321.482A, unnumbered paragraph 1,
40 Code 2011, is amended to read as follows:
41 Notwithstanding section 321.482, a person who is
42 convicted of operating a motor vehicle in violation
43 of section 321.178, subsection 2, paragraph "a",
44 subparagraph (2), section 321.180B, subsection 6,
45 section 321.194, subsection 1, paragraph "c", section
46 321.256, section 321.257, section 321.275, subsection
47 4, section 321.276, 321.297, 321.298, 321.299, 321.302,
48 321.303, 321.304, 321.305, 321.306, 321.307, 321.308,
49 section 321.309, subsection 2, or section 321.311,
50 321.319, 321.320, 321.321, 321.322, 321.323, ~~321.323A,~~

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1 321.324, 321.324A, 321.327, 321.329, or 321.333 causing
2 serious injury to or the death of another person may be
3 subject to the following penalties in addition to the
4 penalty provided for a scheduled violation in section
5 805.8A or any other penalty provided by law:
6 Sec. _____. PUBLIC AWARENESS AND COMPLIANCE
7 PROGRAMS. The department of transportation, in
8 conjunction with the department of public safety, shall
9 establish programs to foster public awareness of and
10 compliance with the requirements of section 321.323A.>
11 2. Title page, line 2, after <to> by inserting
12 <change lanes or>
13 3. Title page, line 3, by striking <situations.>
14 and inserting <situations, and providing penalties.>
15 4. By renumbering as necessary.

MATT McCOY



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House File 2092

S-5121

- 1 Amend House File 2092, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 6, after <consumption.> by
4 inserting <Notwithstanding chapters 191, 192, and 194,
5 "farmers market" includes a marketplace which sells
6 raw milk or raw milk products. The sale of such milk
7 or milk products shall be regulated by the department
8 of inspections and appeals in cooperation with the
9 department of agriculture and land stewardship.>
10 2. Page 1, line 9, by striking <food> and inserting
11 <food, including but not limited to raw milk and
12 products using raw milk,>
13 3. By renumbering as necessary.

KENT SORENSON